

Application No.: 10/627,569
Docket No.: SS3295USNA

Page 2

REMARKS

Claims 1-7 are pending in the present application, with claims 8-22 having been withdrawn. Applicants respectfully request reconsideration and submit the following in support thereof.

Response to Restriction Requirement

The Examiner imposed a two-way restriction requirement in the following groups.

- I. Claims 1-7, drawn to a nonwoven web, classified in class 442, subclass 364.
- II. Claims 8-22, drawn to a multilayer composite sheet, classified in class 442, subclass 381.

The Applicants' attorney elected Group I (and as further required elected ethylene methacrylic acid as the species) in the June 13, 2004 telephone conversation with the Examiner. That election is now affirmed.

Rejection Under 35 USC 112, Second Paragraph

Claim 4 is rejected under 35 USC 112, second paragraph as being indefinite due to the presence of the language "substantially free of acid copolymer". The acid copolymer is intended to be limited to the sheath of the bicomponent sheath/core fiber. Rather than make an absolute statement that the core is totally free from the acid copolymer, the phrase "substantially free" has been used. The Examiner is respectfully directed to Exxon Research and Engineering Co. v United States, 265 F3d 1371, 1380, 60 USPQ2d 1272, 1281 (Fed. Cir. 2001), where the court determined that the phrase "substantial absence..." was not indefinite. Applicants believe that the rejection is unwarranted and respectfully request that it be withdrawn.

Rejection under 35 U.S.C. §102(b)

Claim 1 is rejected under 35 USC 102(b) as anticipated by EP 0311860 to Kubo (Kubo).

The Examiner offers Kubo as teaching a sheath/core fiber, wherein the sheath is formed of a copolymer of ethylene and an acid, such as methacrylic acid. However, Kubo does not disclose the subject matter recited in claim1. Claim 1 recites that the sheath comprises a blend of 1) polyethylene and 2) a copolymer that is formed from ethylene and an acid, such as methacrylic acid. Kubo does not

Application No.: 10/627,569
Docket No.: SS3295USNA

Page 3

disclose a blend in the sheath, but rather just a copolymer of ethylene and an acid. That is, Kubo only discloses one of the two components of the blend that is recited in claim 1. The Examiner is further directed to page 9, lines 16 –37 of the specification for a more detailed description of the subject matter recited in claim 1.

Kubo does not disclose each and every limitation of the subject claim; therefore withdrawal of the rejection is respectfully requested.

CONCLUSION

It is believed that the foregoing is a complete response to the subject Office Action. Applicants believe that all rejections have been overcome and that the instant claims are now in condition for allowance. If any matters remain for resolution, please contact the undersigned.

Respectfully submitted,


FREDERICK D. STRICKLAND
ATTORNEY FOR APPLICANTS
Registration No.: 39,041
Telephone: (302) 892-7940
Facsimile: (302) 892-7343

Dated: September 30, 2005